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2 *E-filed 9/26/06*

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

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14 UNITED STATES OF AMERICA,) No. CR 06-70585 HRL
15 Plaintiff,) STIPULATION AND [PROPOSED]
16 v.) ORDER CONTINUING PRELIMINARY
17 WILIAM CLINTON JONES,) HEARING/ARRAIGNMENT AND
18 Defendant.) EXCLUDING TIME FROM RULE 5.1
CALCULATION (18 U.S.C.
§ 3161(h)(8)(A))
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20 This matter is scheduled before the Court for a preliminary hearing or arraignment on
21 October 4, 2006 before United States Magistrate Judge Trumbull. The parties now jointly
22 request that this matter be continued in order for the parties to explore a pre-indictment
23 resolution of this case, and for the defense to have an opportunity to receive and review
24 discovery. The parties jointly request a continuance until Thursday, October 12, 2006 before
25 Judge Trumbull to allow defense counsel the reasonable time necessary to confer with his client
26 and discuss discovery materials in this case in order to effectively prepare, and also to allow the
27 parties to discuss a potential pre-indictment resolution of the case.

28 In light of the above, the parties agree, and the Court finds and holds, as follows:

STIPULATION AND [PROPOSED] ORDER
CR 06-70585 HRL

1 1. The preliminary hearing or arraignment in this matter is continued to October 12,
2 2006 at 9:30 a.m. before Judge Trumbull.

3 2. Time should be excluded under Rule 5.1 from October 4, 2006 to October 12,
4 2006 in order to allow defense counsel time to confer with his client and to review the discovery
5 to be produced in this case. The parties agree that the continuance is proper under Rule 5.1 of the
6 Federal Rules of Criminal Procedure and 18 U.S.C. § 3060.

7 3. The time between October 4, 2006 and October 12, 2006 is excluded under the
8 Speedy Trial Act. The parties agree that the failure to grant the requested continuance would
9 unreasonably deny defense counsel reasonable time necessary for effective preparation, taking
10 into account the exercise of due diligence. Finally, the parties agree that the ends of justice
11 served by granting the requested continuance outweigh the best interest of the public and the
12 defendant in a speedy trial and in the prompt disposition of criminal cases. 18 U.S.C. §
13 3161(h)(8)(A).

14 STIPULATED:

15 DATED: 9/26/06

/s/
PETER LEEMING
Attorney for Defendant Jones

18 DATED: 9/26/06

/s/
JOSEPH A. FAZIOLI
Assistant United States Attorney

20 IT IS SO ORDERED.

HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

21 DATED: 9/26/06

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